



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



SEP 29 2008

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DECISION

Sierra Club
Southwest Boulder Office
1650 38th St., Ste. 102W
Boulder, Colorado 80301

August 14, 2008 Competitive Oil & Gas Lease Sale Protest Of Parcels COC73064 through COC73094 Is Dismissed

NOTE: Due to the high volume of protests, the official BLM protest response is posted on the BLM Colorado website, co.blm.gov. This paper copy is provided to you as a courtesy.

Your letter was received in our office on June 30, 2008, protesting the above named parcels offered in the August 14, 2008, Competitive Oil & Gas Lease Sale.

Protest Point 1: BLM has gone against recommendations and community support.

Response:

The BLM involved local communities, Garfield County, and the State of Colorado extensively as cooperating agencies throughout the process leading to the final decision. Given varying perspectives, consensus among all parties was not achieved, but all concerns were addressed and incorporated to the extent practicable within the range of alternatives considered and analyzed, as required by the National Environmental Policy Act (NEPA). Indeed, the concept of phased and clustered ridgetop development atop the plateau, with a maximum of 350 acres (1 percent of the area) allowed to be in a disturbed condition at any one time—which is the cornerstone of the Resource Management Plan Amendment and final Environmental Impact Statement (PRMPA/FEIS)—was based heavily on specific input by the Colorado Department of Natural Resources (CDNR). Although the BLM acknowledges a large amount of support for protecting the top of the Roan Plateau from natural gas drilling, it is also important to note that a significant portion of the local community and other stakeholders expressed a desire to see as much production of natural gas from BLM lands in the planning area as practicable.

The Draft EIS considered a wide spectrum of alternatives based on input from concerned citizens, local communities and cooperating agencies. In the Draft EIS (DEIS), the BLM addressed an alternative (Alternative I) that would not allow oil and gas development on top of the plateau. Alternative II of the DEIS included protection of wilderness characteristics and natural values through the use of No Ground Disturbance/No Surface Occupancy (NGD/NSO) stipulations, as well as the designation of four large Areas of Critical Environmental Concern (ACECs) proposed to address visual, fish, wildlife, and plant values. Alternative III of the DEIS deferred drilling on the Upper Plateau and included mandatory protections for lands below the cliffs.

Protest Point 2: BLM has failed to consider alternatives that would protect the Roan's wilderness quality lands and important backcountry recreation opportunities.

Response:

The BLM did consider an alternative that would protect and maintain areas found to have wilderness character (Alternative II in the RMPA/EIS). It is important to note that management for protection and maintenance of wilderness character and related values is discretionary for the BLM, under FLPMA § 202. Though the final RMPA does not specifically manage areas to protect wilderness character, it does include prescriptions protecting other resources; these prescriptions protect some wilderness characteristics in portions of the planning area. Wilderness character and related values (characteristics) are addressed in Section 4.5.8 of the FEIS. Traditional uses associated with wilderness values are also included in discussions relating to recreation, tourism, hunting, and wildlife in Chapter 4 of the final EIS.

Recreational uses, including backcountry uses, were considered in the PRMPA/FEIS, and the vast majority of lands atop the plateau were placed in an Extensive Recreation Management Area (ERMA). Management prescriptions for the ERMA were developed in accordance with the plan's goal to "...emphasize balance in managing for a variety of multiple resource uses incorporating outcome-based adaptive management, to protect key biological and aesthetic resources while developing oil and gas resources in a systematic, clustered, and staged manner" (p. 2-27 of the PRMPA/FEIS). Additionally, the multiple NSO/NGD stipulations applied to protect a variety of sensitive ecological, hydrologic, and visual resources in the generally unroaded stream valleys would also protect these areas for backcountry recreation, as would the Visual Resource Management (VRM) Class I area of the East Fork Parachute Creek waterfall and box canyon. The phased ridge-by-ridge development was incorporated into the RMPA, with only one ridge available for development at any one time, also has the benefit of keeping the remaining ridges and intervening valleys available for backcountry recreation.

Protest Point 3: BLM has failed to consider the potential impacts of oil and gas leasing on the areas air quality.

Response:

The air quality analysis conducted for the Roan Plateau RMPA used the generally accepted practice for air quality modeling analyses in BLM EISs. The BLM used multiple models for its near-field and far-field analyses to reach its conclusions about air impacts. The California Puff Dispersion Model (CalPuff), meteorological data, and other methodologies used in the analysis were put forth by the BLM in an analysis protocol that was developed in consultation with an inter-agency team of air quality specialists (stakeholders include air staffs from the BLM, Forest Service, Utah Department of Environmental Quality, CDPHE-Air Quality Control Division,

National Park Service and the EPA). The general consensus reached by this stakeholders group is reflected in the protocol and the methodologies used and the results of the final analysis (see Section 4.2.5 of the FEIS).

The Secretary of the Interior (through the BLM) met all legal responsibilities under NEPA to describe existing air quality conditions (Affected Environment) and to predict potential direct, indirect, and cumulative air quality impacts from the Proposed Action and Alternatives (Environmental Consequences), as required by CEQ regulations. In addition to predicting the maximum air quality impacts within close proximity to the proposed activities, the air quality impact analysis also examined potential air quality impacts at twelve distant mandatory Federal PSD Class I areas and ten other distant "sensitive" locations. BLM compared direct impacts to Class I and Class II increments to assess their significance under NEPA. BLM did not conduct regulatory increment consumption analyses. The most recent and representative data were used to define the Affected Environment for NEPA purposes. BLM assumed emissions from operations in 2000 or 2001 were captured in state monitoring when establishing the Affected Environment. This approach is acceptable in light of state's Clean Air Act authority to monitor air quality. Under the Clean Air Act, the authority and responsibility for conducting regulatory PSD Increment Consumption Analysis rests with the appropriate air quality regulatory agency (e.g. CDPHE).

Protest Point 4: BLM has failed to consider the potential impacts of oil and gas leasing on the areas sensitive species and wildlife.

Section 4.3.4 of the PRMPA/FEIS (p.4-67) discusses at considerable length the various special status wildlife, fish, and plant species known or expected to occur in the Roan Plateau planning area, as well as the no surface occupancy, controlled surface use, and timing limitation stipulations to be applied to leases for their protection. Appendix I in the PRMPA/FEIS provides further information on best management practices, reclamation practices, and other mitigation measures to be applied as conditions of approval at the permitting stage for oil and gas developments. Among the protective measures are NSO stipulations for streams supporting Colorado River cutthroat trout, as well as associated moderate- and high-value watershed processes, wildlife security areas below the rim, raptor nest sites and the peregrine falcon cliff-nesting complex, caves that support Townsend's big-eared bats, and occupied habitat for threatened, endangered, proposed, or candidate plant species. Additional measures include controlled surface use and timing limitation stipulations for wildlife.

Moreover, the entire approach of phased and clustered ridgetop development, with a maximum of 350 acres of disturbance at any one time and with a minimum of 0.5 mile between well pads was specifically developed in concert with the State of Colorado. The phased and clustered ridge-by-ridge development was designed to reduce habitat fragmentation, and to reduce effective habitat loss due to disturbance.

Protest Point 5: BLM has misinterpreted the transfer legislation incorrectly asserting all lands must be leased for oil and gas drilling.

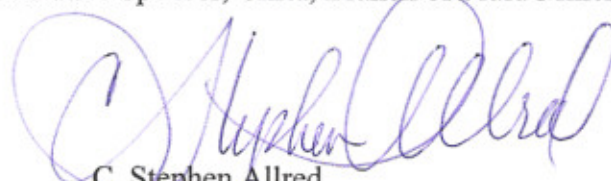
Response:

You contend that the BLM improperly interpreted Public Law Number 105-85 ("the Transfer Act) that pertains to the Roan Plateau's Naval Oil Shale Reserves 1 and 3. We disagree, the Transfer Act states that BLM "shall" lease those areas and your protest has not proven otherwise.

The BLM considered both leasing and not leasing the un-leased portions of the transferred lands (under the Transfer Act), as well as partially leasing these lands. Alternative I of the DEIS proposed no new leasing on transferred lands. Under Alternative II, BLM considered partial leasing by limiting to approximately 21,000 acres the area available to leasing. Alternatives III, IV, and V would have made all lands available for leasing. The BLM, therefore, provided a full range of alternatives for consideration and environmental review.

Regarding the Transfer Act, the DEIS and FEIS explained that BLM has interpreted the Transfer Act as directing that the transferred lands in Naval Oil Shale Reserves No. 1 and 3 be made available for oil and gas lease, consistent with the Federal Land Policy and Management Act. For this reason, the BLM concluded that Alternative F did not comply with the Transfer Act. Elements of Alternative F and the other "preliminary alternatives" were therefore reworked into the five alternatives analyzed through the planning process. For example, in various alternatives, the DEIS and FEIS analyzed the following: no new leasing on top of the plateau (44,267 acres); management of 21,382 acres for the protection of wilderness characteristics in three areas totaling 36,184 acres; protection of 7,883 acres within eligible wild and scenic river corridors; and strict management of motor vehicle travel.

Accordingly, on behalf of the Department of the Interior, I dismiss your protest. If you have any questions about this response, contact Duane Spencer, Chief, Branch of Fluid Minerals at 303.239.3753.



C. Stephen Allred
Assistant Secretary
Land and Mineral Management

cc:

State Director, Colorado State Office
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Field Office Manager, Glenwood Springs